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14 VIOLETTE MANSOOR

15 **UNITED STATES DISTRICT COURT**
16 **SOUTHERN DISTRICT OF CALIFORNIA**

17 VIOLETTE MANSOOR,
18 Plaintiff,
19 v.
20 AIR FRANCE KLM AIRLINES,
21 Defendant.

22 CASE NO.: '08 CV 0828 JM RBB
23 **COMPLAINT FOR DAMAGES**
24 **DEMAND FOR JURY TRIAL**

25 The Plaintiff, Violette Mansoor, through her Attorneys, brings this action against Air
26 France KLM Airlines for personal injuries sustained during an international flight operated by
27 the defendant on a ticket issued in the United States through a partner member of the
28 SkyTeam Global Alliance. This action is governed by the Warsaw Convention and the

1 Montreal Convention of 1999, also known as the Convention for the Unification of Certain
2 Rules for International Carriage by Air.

3 The Plaintiff respectfully alleges:
4

5 **The Parties**

6 1. Plaintiff, Violette Mansoor, is a citizen of the State of California and a resident of El
7 Cajon, San Diego County.

8 2. The defendant, Air France KLM Airlines ("Air France"), is believed and therefore
9 alleged to be a corporation organized under the laws of France.
10

11 3. Air France is a member of the SkyTeam Global Alliance, through which it offers code-
12 share flights and coordinated flight schedules, reservations and ticketing with other air
13 carriers that are members of the SkyTeam Global Alliance, including Delta Airlines, Inc.,
14 which has regular operations at Hartsfield International Airport in Atlanta, Georgia.
15

16 4. As a member of the SkyTeam Global Alliance, Air France operates code-share flights
17 with Delta Airlines, Inc., including flights originating and terminating at Lindbergh
18 International Airport in San Diego, California.
19

20 5. As a member of the SkyTeam Global Alliance, Air France provides coordinated
21 ticketing and operation of flights from the United States to Paris and destinations in Asia
22 through its code-share arrangement with Delta Airlines, Inc.
23

24 6. Air France regularly conducts business in the State of California through its
25 relationship with Delta and other air carriers that are members of the SkyTeam Global
26 Alliance.
27
28

1 7. Delta Airlines, Inc., which is a strategic code-share partner of KLM, has a regular
2 place of business at Hartsfield International Airport in Atlanta, Georgia.

3 8. Air France operates code-share flights in and out of Hartsfield International Airport in
4 the City of Atlanta, State of Georgia, from which it operates as an air carrier providing
5 international flights between the United States and foreign countries.
6

7 **Jurisdiction and Venue**

8 9. This action arises out of and is governed by the Convention for the Unification of
9 Certain Rules Relating to International Transportation by Air, October 12, 1929, 49 Stat.
10 3000, 2 Bevans, 983, 137 L.N.T.S. 11 (the "Warsaw Convention"), as amended by the
11 Convention for the Unification of Certain Rules for International Carriage by Air (the
12 "Montreal Convention 1999") and related agreements and protocols.
13

14 10. This Court has jurisdiction over this matter pursuant to Article 33 of the Montreal
15 Convention 1999, in that the plaintiff's principal and permanent residence is in the United
16 States, and the defendant is an air carrier that provides services for the carriage of passengers
17 by air using either its own aircraft or another carrier's aircraft pursuant to a code share or
18 other commercial agreement within the meaning of the Convention.
19
20

21 11. The subject flight involved "international carriage" as defined under Article One of
22 the Montreal Convention 1999.

23 12. The plaintiff's injuries alleged herein resulted from an accident on board the
24 defendant's aircraft in the course of international carriage within the meaning of the Montreal
25 Convention 1999.
26
27
28

1 13. Personal jurisdiction exists over the defendant by virtue of its ongoing business
2 dealings in the State of California, where it operates coordinated code share flights as a
3 member of the SkyTeam Global Alliance, with arriving and departing flights in the State of
4 California on a regular basis and that Plaintiff's principal and permanent residence is in the
5 State of California. The plaintiff's claim relates to personal injuries sustained on an Air
6 France aircraft during a flight from Atlanta, Georgia to Paris, France that was designated as
7 Air France Flight 307, which was part of a single contract for carriage on a ticket issued to
8 the plaintiff in the State of California
9
10

11 **General and Factual Allegations**

12 14. In or about March 23, 2006 the plaintiff purchased a ticket from Pacific Tour and
13 Travel, La Jolla, California for international travel from San Diego to Dubai, United Arab
14 Emirates, via Atlanta, Georgia, and Paris, France, with departure from San Diego on May 9,
15 2006 and arrival in Dubai, United Arab Emirates, on May 10, 2006, and a return flight
16 scheduled to depart Dubai on June 15, 2006.
17

18 15. The outbound travel included Delta Airlines Flight 453 from San Diego to Atlanta,
19 and ann Air France flight from Atlanta to Paris, which was designated as Air France Flight
20 307.
21

22 16. Air France Flight 307 was operated by Air France on an aircraft owned by Air France
23 with cockpit and cabin crew who were employees of Air France.
24

25 17. The ticket for travel on Air France Flight 307 was issued by Delta Airlines, Inc., on
26 behalf of Air France as part of the SkyTeam Global Alliance service.
27

28 18. On May 10, 2006, the Plaintiff was a fare-paying passenger on Air France Flight 307.

1 19. During Air France Flight 307 from Atlanta to Paris on May 10, 2006, the plaintiff
2 sustained serious personal injuries when she tripped and fell as a result of a hazard in the
3 walkway onboard the aircraft.
4

5 **Plaintiff's Claim for Personal Injuries Pursuant to Articles 17 and 21 of the**
6 **Montreal Convention 1999**
7

8 20. The plaintiff sustained bodily injury as a result of an accident on board an Air France
9 aircraft during Flight 307 within the meaning of Article 17 of the Montreal Convention 1999.

10 21. Pursuant to the provisions of Article 17 of the Montreal Convention 1999, the
11 defendant is liable for damages sustained by the plaintiff as a result of the injuries she
12 suffered as a result of the accident on board Flight 307 on May 10, 2006.
13

14 22. The plaintiff's injuries were the result of an accident pursuant to the provisions in
15 Article 17 of the Montreal Convention 1999 and the defendant therefore is strictly liable for,
16 and may not limit or exclude its liability for damages up to and including 100,000 Special
17 Drawing Rights as provided in Article 21.
18

19 23. The plaintiff's injuries occurred as a result of the defendant's negligence or other
20 wrongful act within the meaning of Article 21 of the Montreal Convention 1999, and the
21 defendant therefore is liable for damages exceeding 100,000 Special Drawing Rights as
22 provided in Article 21.
23

24 24. The defendant, acting by and through Flight 307's cabin and cockpit crew and other
25 employees, failed to take all necessary precautions to prevent the accident that resulted in
26 plaintiff's injury during Flight 307 on May 10, 2006.
27
28

1 25. The plaintiff's injuries were the direct and proximate result of the defendant's
2 negligence and other wrongful conduct in any or all of the following respects:

- 3 a. Failing to take necessary precautions to anticipate the conditions that caused the
4 hazardous condition onboard Flight 307 that resulted in plaintiff's injury;
5
6 b. Failing to avoid the hazardous conditions that caused the plaintiff's accident
7 onboard Flight 307 that resulted in plaintiff's injury;
8
9 c. Failing to warn the plaintiff of hazards in the walkway/aisle between the seats
10 while she was proceeding, in the presence of flight attendants, to the lavatory to
11 use the rest room.

12 26. As a direct and proximate result of the foregoing, the plaintiff, Violette Mansoor,
13 suffered severe and permanent injuries, was rendered unable to engage in her usual
14 occupation and activities, and suffered physical pain and mental suffering.
15

16 27. As a direct and proximate result of the foregoing, the plaintiff is entitled to recover all
17 elements of damages allowable under law, including damages for the following: medical
18 expenses; loss of impairment of earning capacity; economic losses; physical and mental pain
19 and suffering; and all other damages recoverable under the laws of damages applicable to this
20 action.
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WHEREFORE, the Plaintiff demands judgment against the Defendant, Air France KLM Airlines, in an amount that provides full and fair compensation for the injuries and damages she suffered, plus interest and costs.

PLAINTIFF DEMANDS TRIAL BY JURY ON ALL ISSUES SO TRIABLE.

Respectfully Submitted,

Dated: May 7, 2008

VAN LOON & ASSOCIATES
PILOT LAW, P.C.

By:

PAUL J. VAN LOON

BRIAN J. LAWLER

Attorneys for Plaintiff,

Violette Mansoor

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Violette Mansoor

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

Paul L. Van Loon, Van Loon & Assoc., 1061 Tierra del Ray
Ste 204, Chula Vista, CA 91910 619.591-1005

(c) Attorney's (Firm Name, Address, and Telephone Number)

Brian J. Lawler, Pilot Law, P.C., 450 B St, Ste 430
San Diego, CA 92101 619.255.2398

DEFENDANTS

Air France KLM Airlines

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known)

08 CV 0828 JM RBB

II. BASIS OF JURISDICTION

(Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State ☒ PTF ☐ DEF 1 Incorporated or Principal Place of Business In This State ☐ 4 ☐ 4
Citizen of Another State ☐ 2 ☐ 2 Incorporated and Principal Place of Business In Another State ☐ 5 ☐ 5
Citizen or Subject of a Foreign Country ☒ 3 ☐ 3 Foreign Nation ☐ 6 ☐ 6

IV. NATURE OF SUIT

(Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<input checked="" type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <input type="checkbox"/> 424 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <input type="checkbox"/> 424 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Recopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Montreal Convention 1999

Brief description of cause:

Personal Injury onboard International Air Carrier Flight

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

5/7/08

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # 150627

AMOUNT

\$350

APPLYING IFP

JUDGE

MAG. JUDGE

MS 5/7